

**Superior Court of Washington
County of**

In re:

and

Petitioner,

Respondent.

No.

**Petition for Modification/
Adjustment of Custody Decree/
Parenting Plan/Residential
Schedule
(PTMD)**

1.1 Identification of Moving Party/Parties

Name (first/last) _____ Birth date _____

Last known residence _____ (county and state).

Name (first/last) _____ Birth date _____

Last known residence _____ (county and state).

1.2 Identification of Nonmoving Party/Parties

Name (first/last) _____ Birth date _____

Last known residence _____ (county and state).

Name (first/last) _____ Birth date _____

Last known residence _____ (county and state).

Name (first/last) _____ Birth date _____

Last known residence _____ (county and state).

1.3 Dependent Children

Name (first/last) _____ Age _____

Name (first/last) _____ Age _____

Name (first/last) _____ Age _____

Name (first/last) _____ Age _____

Name (first/last) _____ Age _____

Name (first/last) _____ Age _____

II. Basis

2.1 Petition for an Order Modifying Custody Decree/Parenting Plan/Residential Schedule

This is a petition for an order modifying the prior custody decree/parenting plan/residential schedule in this matter and approving the proposed parenting plan/residential schedule, which is filed with this petition.

2.2 Adequate Cause

There is adequate cause for hearing the petition for modification.

2.3 Child Support

☐ Does not apply.

☐ An order establishing child support in conjunction with the proposed parenting plan should be entered. A child support worksheet and financial declaration have been filed with this action. (No separate petition for modification of child support needs to be filed.)

2.4 Jurisdiction and Venue

The court has proper jurisdiction and venue.

The moving party/parties reside(s) in _____ [county and state].

The children reside in _____ [county and state].

The other party/parties reside(s) in _____
_____ [county and state].

2.5 Jurisdiction Over Proceeding

This court has jurisdiction over this proceeding for the reasons below.

- ☐ This court has exclusive continuing jurisdiction. The court has previously made a child custody, parenting plan, residential schedule or visitation determination in this matter and retains jurisdiction under RCW 26.27.211.
- ☐ This state is the home state of the children because
 - ☐ the children lived in Washington with a parent or a person acting as a parent for at least six consecutive months immediately preceding the commencement of this proceeding.
 - ☐ the children are less than six months old and have lived in Washington with a parent or a person acting as parent since birth.
 - ☐ any absences from Washington have been only temporary.
 - ☐ Washington was the home state of the children within six months before the commencement of this proceeding and the children are absent from the state but a parent or person acting as a parent continues to live in this state.
- ☐ The children and the parents or the children and at least one parent or a person acting as a parent, have significant connection with the state other than mere physical presence; and substantial evidence is available in this state concerning the children's care, protection, training and personal relationships and:
 - ☐ The children have no home state elsewhere.
 - ☐ The children's home state has declined to exercise jurisdiction on the ground that this state is the more appropriate forum under RCW 26.27.261 or .271.
- ☐ All courts in the children's home state have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum to determine the custody of the children under RCW 26.27.261 or .271.
- ☐ No other state has jurisdiction.
- ☐ This court has temporary emergency jurisdiction over this proceeding because the children are present in this state and the children have been abandoned or it is necessary in an emergency to protect the children because the children, or a sibling or parent of the children is subjected to or threatened with abuse. RCW 26.27.231.
 - ☐ There is a previous custody determination that is entitled to be enforced under this chapter or a child custody proceeding has been commenced in a court of a state having jurisdiction under RCW 26.27.201 through 26.27.221. The requirements of RCW 26.27.231(3) apply to this matter. This state's jurisdiction over the children shall last until _____ [date].

- ☐ There is no previous custody determination that is entitled to be enforced under this chapter and a child custody proceeding has not been commenced in a court of a state having jurisdiction under RCW 26.27.201 through 26.27.221. If an action is not filed in _____ [potential home state] by the time the child has been in Washington for six months, _____ [date], then Washington's jurisdiction will be final and continuing.

☐ Other:

2.6 Uniform Child Custody Jurisdiction and Enforcement Act Information

Name of Child

Mother's Name

Father's Name

During the last five years, the children have lived:

- ☐ in no place other than the state of Washington and with no person other than the moving party or the other party.
- ☐ in the following places with the following persons (list each place the children lived, including the state of Washington, the dates the children lived there and the names of the persons with whom the children lived. The present addresses of those persons must be listed in the required Confidential Information Form.):

Claims to custody or visitation.

- ☐ The moving party does not know of any person other than the other party who has physical custody of, or claims to have custody or visitation rights to, the children.
- ☐ The following persons have physical custody of, or claim to have custody or visitation rights to, the children (list their names and the children concerned below and list their present addresses in the Confidential Information Form. Do not list the nonmoving party.):

Involvement in any other proceeding concerning the children:

- ☐ The moving party has not been involved in any other proceeding regarding the children.
- ☐ The moving party has been involved in the following proceedings regarding the children (list the court, the case number, and the date of the judgment or order):

Other legal proceedings concerning the children.

- ☐ The moving party does not know of, any other legal proceedings concerning the children.
- ☐ The moving party knows of, the following legal proceedings which concern the children (list the children concerned, the court, the case number, and the kind of proceeding):

2.7 Custody Decree or Parenting Plan/Residential Schedule

The Custody Decree/Parenting Plan/Residential Schedule was entered on _____ [date] at _____ [county and state]. A certified copy of the Custody Decree/Parenting Plan /Residential Schedule to be modified is filed with or attached to this petition, if the decree or plan to be modified was entered in another county or state.

2.8 Modification Under RCW 26.09.260(1), (2)

- ☐ Does not apply.
- ☐ The custody decree/parenting plan/residential schedule should be modified because a substantial change of circumstances has occurred in the circumstances of the children or the other party and the modification is in the best interests of the children and is necessary to serve the best interests of the children. This request is based on the factors below.
 - ☐ The parties agree to the modification.
 - ☐ The children have been integrated into my family with the consent of the other party in substantial deviation from the decree/parenting plan/residential schedule.
 - ☐ The children's environment under the custody decree/parenting plan/residential schedule is detrimental to the children's physical, mental or emotional health and the harm likely to be caused by a change in environment is outweighed by the advantage of a change to the children.
 - ☐ The other party has been found in contempt of court at least twice within three years because the party failed to comply with the residential time provisions in the court-ordered parenting plan, or the parent has been convicted of custodial interference in the first or second degree under RCW 9A.40.060 or 9A.40.070.

2.9 Modification or Adjustment Under RCW 26.09.260(4) or (8)

- ☐ Does not apply.

- ☐ The custody decree/parenting plan/residential schedule should be **modified** because the reduction or restriction of the residential time for the person with whom the child does not reside a majority of the time would serve and protect the best interests of the child using the criteria in RCW 26.09.191, as described here:

- ☐ The custody decree/parenting plan/residential schedule should be **adjusted** because the nonresidential party has voluntarily failed to exercise residential time for one year or more and the adjustment is in the best interest of the children.

2.10 Adjustments to Residential Provisions Under RCW 26.09.260(5)(a) and (b)

- ☐ Does not apply.
- ☐ The custody decree/parenting plan/residential schedule should be adjusted because a substantial change in circumstances of either parent or of the child has occurred and the proposed modification to the custody decree/parenting plan/residential schedule is in the best interest of the children and is a minor modification in the residential schedule that does not change the residence the children are scheduled to reside in the majority of the time and:
- ☐ is not more than 24 full days in a calendar year; or
- ☐ is based on a change of residence of the parent with whom the child does not reside a majority of the time or an involuntary change in work schedule by a party which makes the residential schedule in the parenting plan impractical to follow.

2.11 Adjustments to Residential Provisions Under RCW 26.09.260(5)(c), (7), (9)

- ☐ Does not apply.

This section only applies to a person with whom the child does not reside a majority of the time who is seeking to increase residential time.

2.11.1 Parent subject to limitations under RCW 26.09.191(2) or (3)

- ☐ The residential time of _____ [Name] is not subject to limitations.
- ☐ The residential time of _____ [Name] is subject to limitations. This parent demonstrates a substantial change in circumstances specifically related to the basis for the limitation.

2.11.2 Parent Required to Complete Evaluations, Treatment, Parenting or Other Classes

- ☐ _____ [Name] is not required under the existing Parenting Plan/Residential Schedule to complete evaluations, treatment, parenting or other classes.
- ☐ _____ [Name], is required by the existing Parenting Plan/Residential Schedule to complete evaluations, treatment, parenting or other classes. This parent has fully complied with such requirements as described here:

2.11.3 Adjustment to Residential Provision Under RCW 26.09.260(5)(c)

- ☐ The Custody Decree/Parenting Plan/Residential Schedule should be adjusted because a substantial change in circumstances of _____ [Parent's Name] or _____ [Child(ren)'s Name(s)] has occurred. The proposed modification to the Custody Decree/Parenting Plan/Residential Schedule is in the best interest of the children. It is a minor modification in the residential schedule that does not change the residence the children are scheduled to reside in the majority of the time. The increase is more than 24 full days but less than 90 overnights per year total. The Custody Decree/Parenting Plan/Residential Schedule does not provide reasonable time with the nonprimary residential party.

2.12 Adjustments to Nonresidential Provisions Under RCW 26.09.260(10).

- ☐ Does not apply.

- ☐ The following nonresidential provisions of the parenting plan should be adjusted because there is a substantial change of circumstances of either party or of the children and the adjustment is in the best interest of the children:

- ☐ Dispute resolution.
☐ Decision making.
☐ Transportation arrangements.
☐ Other:

2.13 Substantial Change in Circumstance

(You must complete this part if you request a modification or adjustment in paragraphs 2.8, 2.10, 2.11.1, 2.11.3 or 2.12)

The requested modification or adjustment of the custody decree/parenting plan/residential schedule is based upon the following substantial change in circumstance:

2.14 Protection Order

- ☐ Does not apply.
☐ A domestic violence protection order should be entered protecting _____ [Name] from _____ [Name] because _____ [Name] has committed domestic violence as defined by 26.50 RCW against _____ [Name]. (If the court orders this relief, the restrained person will be prohibited from possessing a firearm or

ammunition under federal law for the duration of the order. An exception exists for law enforcement officers and military personnel when carrying department/government-issued firearms. 18 U.S.C. § 925(a)(1).)

If you need immediate protection, contact the clerk/court for RCW 26.50 Domestic Violence forms.

2.15 Servicemembers Civil Relief Act Statement

2.15.1 ☐ _____ [name of nonmoving party] is not a service member or a dependent of a service member.

2.15.2 _____ [name of nonmoving party – service member]:

- ☐ is on active duty in the U.S. armed forces (excluding National Guard and reserves);
 - ☐ is on active duty and is a National Guard member or a Reservist residing in Washington.
 - ☐ is not on active duty in the U.S. armed forces (excluding National Guard and reserves);
 - ☐ is not on active duty and is a National Guard member or a Reservist residing in Washington;
 - ☐ I am unable to determine whether the nonmoving party is or is not on active duty in the U.S. armed forces,
 - ☐ I am unable to determine whether the nonmoving party is or is not on active duty as a National Guard member or a Reservist residing in Washington;
- based upon the following facts:

☐ As indicated above, the nonmoving party is on active duty and (check all that apply):

- ☐ The nonmoving party is represented by an attorney.
- ☐ The court has appointed an attorney to represent the nonmoving party.
- ☐ A stay of these proceedings ☐ has ☐ has not been entered by the court.

2.15.3 _____ [name of nonmoving party – dependent of service member]:

- ☐ is a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist;
 - ☐ is not a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist;
 - ☐ I am unable to determine whether the nonmoving party is a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist;
- based upon the following facts:

☐ The nonmoving party failed to respond to a notice to him or her as a dependent of a person in Military Service that was ☐ served on ☐ mailed by first class mail on _____ [Date], therefore he or she should be presumed not a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist.

☐ As indicated above, the nonmoving party is a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist and (check all that apply):

☐ The nonmoving party is represented by an attorney.

☐ The court has appointed an attorney to represent the nonmoving party.

☐ A stay of these proceedings ☐ has ☐ has not been entered by the court.

2.16 Other

III. Relief Requested

The moving party **Requests** that the court find that there is adequate cause for hearing this petition and enter an order modifying the custody decree/parenting plan/residential schedule in this matter and approving the proposed parenting plan/residential schedule, which is filed with this petition.

☐ The moving party also requests that the court:

☐ Enter an order establishing child support in conjunction with the proposed parenting plan/residential schedule. The child support worksheet and financial declaration are filed with this petition.

☐ Enter a domestic violence protection order.

☐ Other:

Date Signature of Moving Party or Lawyer/WSBA No. Print or Type Name

Date Signature of Moving Party or Lawyer/WSBA No. Print or Type Name

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at _____, [City] _____ [State] on _____ [Date].

Signature of Moving Party Print or Type Name

Signed at _____, [City] _____ [State] on _____ [Date].

Signature of Moving Party

Print or Type Name

☐ **Joinder**

☐ I, _____, join in the petition. I understand that by joining in the petition, a decree or judgment and order may be entered in accordance with the relief requested in the petition, unless prior to the entry of the decree or judgment and order a response is filed and served.

☐ I waive notice of entry of the decree.

☐ I demand notice of all further proceedings in this matter. Further notice should be sent to the following address: [You may list an address that is not your residential address where you agree to accept legal documents]:

Any time this address changes while this action is pending, you must notify the opposing parties in writing and file an updated Confidential Information Form (WPF DRPSCU 09.0200) with the court clerk.

Date

Signature

Print or Type Name

☐ I, _____, join in the petition. I understand that by joining in the petition, a decree or judgment and order may be entered in accordance with the relief requested in the petition, unless prior to the entry of the decree or judgment and order a response is filed and served.

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Date

Signature

Print or Type Name

☐ I, _____, join in the petition. I understand that by joining in the petition, a decree or judgment and order may be entered in accordance with the relief requested in the petition, unless prior to the entry of the decree or judgment and order a response is filed and served.

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☐ I demand notice of all further proceedings in this matter. Further notice should be sent to the following address: [You may list an address that is not your residential address where you agree to accept legal documents]:

Any time this address changes while this action is pending, you must notify the opposing parties in writing and file an updated Confidential Information Form (WPF DRPSCU 09.0200) with the court clerk.

Date

Signature

Print or Type Name